IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14909 of 2005

Between:

1 P. Rajasekhar, S/o. P. Dharma Rao,
and Mandal, Chittoor District,
2 M. Sukumar, S/o. Gangadharam,
Chittoor District,
3 N. Balasubbaiah, S/o. N. Subbaiah,
R/o. D.No. 12/402, Bhaskarpet, Srikalahasthi , Chittoor District,
4 K.V. Raja Reddy S/o. K.Venkata Reddy,
R/o. D.No. 5/323, M.G. Street, Srikalahasthi Town , Chittoor District,

....PETITIONERS

AND

1 The Municipal Chairperson, Srikalahasthi Municipality,
Chittoor District,
2 The Commissioner, Srikalahasti Municipality, Chittoor District,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ in the nature of a Writ of Mandamus or any other appropriate Writ, direction, order or orders declaring the Tender Notice No. ROC.NO. 2624/2004/E1, dt. 15-6-2005 issued by the 2nd respondent to invite the bidders for the execution of the '5' works under one package for estimate the value of the works Rs. 147.41 lakhs, without split the works below Rs. 10 lakhs, as wholly arbitrary, illegal, without jurisdiction and void; Consequently, direct the respondent No.2 called for the tenders below Rs. 10 lakhs each work after split the works under package No.1 in the Tender Notice No. ROC No. 2624/2004/E1, dt 15-6-2005 and pass such other and further orders as this Hon'ble Court may deem fit and proper in the circumstances of this case.

Counsel for the Petitioners: MR.ESWARAIAH VEERAPUNENI

Counsel for the Respondents: MR.S.I.NEWTON

The Court, at the stage of admission, made the following :

ORAL ORDER

The writ petition is filed seeking writ of Mandamus to declare the tender Notice No.ROC.No.2624/2004/E1, dated 15-06-2005 issued by the 2nd respondent to invite the bidders for the execution of the "5" works in one package for an estimated value of the works is Rs.147.41 lakhs, without split the same below Rs.10 lakhs, as illegal and arbitrary.

The contention of the petitioners in this writ petition is that the petitioners are registered contractors since 10 years under the Srikalahasthi Municipal Limits and that they obtained renewal of registration of Municipal Contractors from the 2nd respondent in ROC No.2559/2003/E1 dated 16-02-2004. While so the 2nd Respondent had issued a tender Notice No.ROC.No.2624/2004/E1 dated 15-06-2005 inviting bids for construction of concrete roads and drain works without splitting the works and the estimated value is Rs.147.41 lakhs. Thus the petitioners have no chance to participate in the tenders. Further their contention is that similarly situated Municipalities in the State split the works for below Rs.10 lakhs and called for the bids from the Registered Municipal Contractors. Basing on the same, the petitioners on 04-07-2005 personally requested the 2nd respondent not to finalize the tenders, unless split the works below Rs.10 lakhs each. But, the 2nd respondent did not initiate any steps with regard to the splitting of works, is the main grievance in this writ petition.

Heard the learned Standing Counsel for the respondents. He vehemently argued that it is the discretion of the respondent's authorities whether to split or not to split the estimated/quantum of work. But the petitioners have no *locus standi* to claim it as a right.

I see some force in the contention of the learned Standing Counsel for the respondents. On the other hand, the petitioners are not able to produce any provision of law, which clinches the attention of the Court to give a positive direction to the respondents to consider the claim of the petitioners. As contented by the learned Standing Counsel for the respondents that it is for the respondents to take a decision whether to split or not to split the quantum of work so as to enable the

petitioners to participate in the tender process.

For the aforesaid reasons, I do not see any grounds to allow the writ petition and the writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed, at the stage of admission. In the circumstances, there shall be no order as to costs.

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ELIPE DHARMA RAO,J

12TH JULY 2005

*TSNR

To

1 The Municipal Chairperson, Srikalahasthi Municipality, Chittoor District,
2 The Commissioner, Srikalahasti Municipality, Chittoor District,

3 Two C.D.Copies.